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CARTER SAID TO SEEK LEEWAY IN C.I.A. BILL

Proposal Near on Curbs on Agents and Notice of Covert Actions

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Special to The New York Times

WASHINGTON, Jan. 31 — The White House is pressing for legislation that would avoid a flat prohibition on the use of journalists, clergymen or academics as intelligence agents, Senate sources said today.

Instead of a prohibition, the sources said, the Carter Administration is proposing that charter legislation for the intelligence community include a declaration that the Central Intelligence Agency would seek to protect "the integrity" of the institutions for which journalists, religious figures and professors work. The sources did not specify how such protection would be accomplished.

The same sources said that the Administration was also seeking to widen the number of cases in which the President and the C.I.A. would not have to give the intelligence committees of each house prior notification of covert operations by intelligence agencies.

These aims emerged at a meeting yesterday between the President and his aides and members of the Subcommittee on Charters and Guidelines of the Senate Select Committee on Intelligence.

The C.I.A. has voluntarily restricted its use of journalists to a relatively few part-time foreign employees, and the Administration now has a nonstatutory agreement to give prior notice of covert actions. But no law exists in these or other fields of intelligence work, which is largely controlled only by a Presidential executive order of January 1978.

Since a new law will more firmly and permanently govern intelligence activities, the Administration and advocates of an unencumbered intelligence agency have increasingly sought to make the law flexible.

The Senate sources said that, except for the issue of prior notification and a few other questions, nearly complete agreement had been reached between the subcommittee and the Administration on the wording of the so-called charter legislation. It is possible the final bill will be made public tomorrow or early next week.

However, to critics, exemplified by the American Civil Liberties Union and the liberal-oriented Center for National Security Studies, the element of legal reform and codified restraint of United States intelligence activities has virtually disappeared from the proposed charter.

Threats to Liberties Seen

Jerry J. Berman, legislative counsel of the A.C.L.U., told a press conference today that "we do not support" the prospective charter, which he asserted contained many threats to civil liberties and to public scrutiny of intelligence agencies.

The prior notification question has been referred to the Justice Department, which is trying to work out compromise wording.

Other legislation meant to "unleash" the C.I.A. from what President Carter recently called "unwarranted restraints," but without attempting to construct a detailed charter that enumerates legal restraints on intelligence activity, is also pending in Congress.

Crime of Disclosure

An example is a bill introduced by Senator Daniel Patrick Moynihan, Democrat of New York, Senator Malcolm Wallop, Republican of Wyoming, and five others. This proposal would, for practical purposes exempt the intelligence agency from the workings of the Freedom of Information Act.

It would make it crime for officials with access to classified information to disclose the name of intelligence agents or sources and make it a crime for private persons, including the press, to do so with intent to impair United States intelligence activities.

It would also repeal a 1974 law that requires that the foreign relations committees of both houses of Congress and other "appropriate" committees be informed of covert actions. It would limit such notification to the two intelligence panels.

In addition, the proposed charter is said by sources to contain a provision that would permit intelligence agencies in some circumstances to burglarize residences of or to open mail of Americans believed to possess "positive intelligence" about foreign governments, or knowledge about their normal but confidential affairs.

Publisher Defends Disclosures

WASHINGTON, Jan. 31 (UPI) — The publisher of a periodical that has broken the diplomatic cover of hundreds of C.I.A. agents overseas today defended his publication of names on grounds that the United States should have no covert operations.

William Schaap, publisher of Covert Action Information Bulletin, testified before a House intelligence subcommittee. He said that his publication "is devoted to exposing what we view as the abuses of the Western intelligence agencies, primarily, though not exclusively, the C.I.A.; and to exposing the people responsible for those abuses."

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